

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL CASE NO. 3:21-cv-00068-MR**

EDWARD WOODIE, et al.,)	
)	
Plaintiffs,)	
)	
vs.)	
)	
GARY MCFADDEN, et al.,)	<u>ORDER</u>
)	
Defendants.)	
_____)	

THIS MATTER is before the Court *sua sponte*.

Five pro se Plaintiffs filed this action pursuant to 42 U.S.C. § 1983 addressing incidents that are alleged to have occurred at the Mecklenburg County Jail. [Doc. 1]. All of the Plaintiffs except for Kenji Lyon Henderson have now been dismissed from this action. [See Docs. 36, 42]. On April 25, 2022, the Court issued an Order dismissing the Complaint on initial review pursuant to 28 U.S.C. §§ 1915(e)(2)(B)(i)-(ii) and 1915A, and granting Plaintiff Henderson 30 days in which to amend the Complaint. [Doc. 42]. Plaintiff Henderson was cautioned that, should he fail to timely amend the Complaint in accordance with the April 25 Order, the action would be dismissed without prejudice and without further notice. [Id. at 11]. On June 22, 2022 the Court granted Plaintiff Henderson an additional 30 days to

amend, because it appeared that he may not have received a copy of the April 25 Order. [Doc. 44].

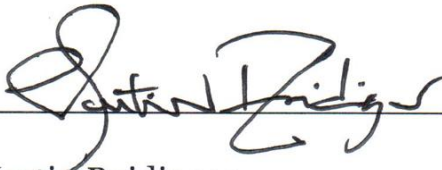
Plaintiff Henderson has failed to file an Amended Complaint, and the time to do so has expired. Plaintiff Henderson appears to have abandoned this action, and the Court is unable to proceed. This case will therefore be dismissed without prejudice. See Fed. R. Civ. P. 41(b) ("If the plaintiff fails to prosecute or to comply with these rules or a court order, a defendant may move to dismiss the action or any claim against it."); Link v. Wabash R.R. Co., 370 U.S. 626, 630-33 (1962) (although Rule 41(b) does not expressly provide for *sua sponte* dismissal, Rule 41(b) does not imply any such restriction and a court has the inherent power to dismiss a case for lack of prosecution or violation of a court order).

IT IS, THEREFORE, ORDERED that this action is **DISMISSED WITHOUT PREJUDICE**.

IT IS FURTHER ORDERED that the Clerk of Court is directed to terminate this action.

IT IS SO ORDERED.

Signed: December 9, 2022



Martin Reidinger
Chief United States District Judge

